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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,944	04/12/2001	David B. Dwyer	H0002046	3235

128 7590 12/13/2005

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EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,944

Applicant(s)

DWYER ET AL.

Examiner

Javid A. Amini

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments, see Remarks, filed 10/5/2005, with respect to "103© common assignee considerations" have been fully considered and are persuasive. The non-final rejection of dated 9/8/2005 has been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant does not specify the reference points, e.g. the first color difference is greater than (Examiner's question: what) about 90, and what is the unit of 90? The same scenario applies to the claims 20-22.

1. Claim 19. "The apparatus of Claim 18, wherein said first color difference is greater than about ninety (90).
2. Claim 20. "The apparatus of Claim 18, wherein said first color difference is greater than about one hundred (100)".
3. Claim 21. "The apparatus of Claim 18, wherein said second color difference is less than about ninety (90)",
4. Claim 22. "The apparatus of Claim 18, wherein said second color difference is less than about one hundred (100)",

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Regarding claim 10 and 18, the phrase "such " renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-18 and 23-27 rejected under 35 U.S.C. 102(e) as being anticipated by Davies
US. 6,262,741 B1.

5. Claim 10.

"An apparatus for displaying a plurality of data categories, comprising" Davies in fig. 4 illustrates an apparatus with a display number 112. The following step is "a display that is configured to produce a first visual representation of a first data category of the plurality of data categories and a second visual representation of a second data category of said plurality of data categories", Davies at col. 3, lines 50-54 teaches the method includes dividing the topological region into tiles. The tiles are layered on different layers with a top layer having a single tile and lower layers of tiles have succeeding greater numbers of tiles. The step of " a processor that is configured to control said display to present said first visual representation of said first data category superimposed over said second visual representation of said second data category such that the first visual

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representation masks said second visual representation in a first common region of said first visual representation and said second visual representation, said processor further configured to receive data representative of a predefined event and, upon receipt thereof, to superimpose said second visual representation of said second data category over said first visual representation of said first data category such that the second visual representation masks said first visual representation in said first common region.” Davies at col. 8, lines 28-37 teaches each layer has the same overall dimensions and has the same outer boundary. The first level contains only a single tile. The next lower level contains four rectangular tiles (2.times.2) and has a little more detail and the next lower level contains sixteen rectangular tiles (4.times.4) and has still greater detail. Even lower levels have exponentially more tiles (e.g., 8.times.8 and 16.times.16) with each layer containing still greater detail. Davies at col. 10, lines 5-7 teaches the boundaries of the states are depicted in FIG. 6c, it should be understood that these objects would not appear (Examiner’s interpretation: mask) if only level 20 were being displayed. Davies in fig. 10 step 614 receives objects that are representative data of a predefined event, e.g. the four tiles being displayed may be based upon the current location of the GIS system based upon a signal received from a GPS satellite. Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

6. Claims 11-12.

See rejection of claim 10 that covers more than two layers.

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7. Claim 13.

"The apparatus of Claim 10, wherein said plurality of data categories are vehicle data categories", Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

8. Claim 14.

"The apparatus of Claim 10, wherein said plurality of data categories are aircraft data categories", Davies in fig. 4 illustrates a block diagram illustrating an exemplary computer system 100 upon which an embodiment of the invention may be implemented. The invention is usable with currently available personal computers, mini-mainframes and the like. The invention is also envisioned as usable in the cockpit of an aircraft, on a ship and in moving land vehicles. It is believed that invention described herein can readily be adapted for specific hardware configurations for each of these operating environments.

9. Claim 15.

"The apparatus of Claim 10, wherein said display is a Multi-Function Display (MFD)", Davies at cols. 14-15 lines 65-67 and 1-3 respectively teaches the system also provides database management allowing data entry, data editing retrieval functions include the ability to select certain attributes and records based on their values. Objects are highlighted which is a way of indicating to the user that a feature is the successful result of a query.

10. Claim 16.

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“The apparatus of Claim 10, wherein said first data category is sensor data”, the step is inherent because the data received from GPS considered as a sensor data.

11. Claim 17.

“The apparatus of Claim 10, wherein said second data category is navigation data”, the step is inherent because the data received from GPS is considered as navigation data. Applicant requires being more explicit about the second data considered as navigation data.

12. Claim 18.

The rejection is similar to the rejection of claim 10. Davies at col. 8, lines 14-20 teaches examples of attributes include a feature identifier, an ordered list of coordinates, a visibility level, a line weight and a color. As will be explained in detail below, the complete geometric objects differ significantly from the prior art because the complete geometric objects are independent of other objects.

13. Claim 23.

“The apparatus of Claim 18, wherein said plurality of data categories are vehicle data categories”. See rejection of the claim 13 that applies to this claim.

14. Claim 24.

“The apparatus of Claim 18, wherein said plurality of data categories are aircraft data categories”, See rejection of claim 14.

15. Claim 25.

“The apparatus of Claim 18, wherein said display is a Multi-Function Display (MFD)”. See rejection of claim 15.

16. Claim 26.

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"The apparatus of Claim 18, wherein said first data category is sensor data", See also rejection of claim 16.

17. Claim 27.

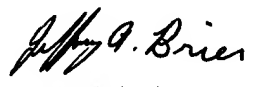
"The apparatus of Claim 18, wherein said second data category is navigation data", See rejection of claim 17.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFERY A. BRIER
PRIMARY EXAMINER

Javid A Amini
Examiner
Art Unit 2672

Javid Amini